

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-8, and 10-15 are currently pending in the present application. Claims 10-11 are amended to remove "means for" language to avoid interpretation under 35 U.S.C. § 112, sixth paragraph. No new matter is presented.

In the outstanding Office Action, Claims 1, 8, and 15 were rejected under 35 U.S.C. § 103(a) as being anticipated by Durboraw, III et al. (U.S. Patent No. 6,178,195, hereinafter "Durboraw") in view of Krasner (U.S. Patent No. 6,150,980, hereinafter "Krasner I"); Claims 5-7 and 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Durboraw, and Krasner I, and in further view of Krasner (U.S. Patent No. 6,064,336, hereinafter "Krasner II"); and Claims 3-4 and 10-11 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge with appreciation the indication of allowable subject matter. However, since Applicants consider that independent Claims 1 and 8 patentably define over the applied references, the remaining independent claims are presently maintained in dependent form.

With respect to the rejections under 35 U.S.C. § 103, Applicants respectfully submit that independent Claims 1, 8 and 15 state novel features not clearly taught or rendered obvious by the applied references.

Briefly summarizing, the present application relates to GPS positioning method and a GPS reception apparatus. In an exemplary embodiment, the apparatus receives frequency information from a standard wave to acquire a GPS signal from a satellite. The method also

includes using the information from the standard wave in place of information received from the satellite to perform a positioning arithmetic operation.

Claim 1 recites, *inter alia*, a GPS positioning method, comprising:

“...acquiring high precision frequency information provided by a standard wave;

***measuring an oscillation frequency of a reference oscillator used in a GPS receiver section or a frequency variation of the oscillation frequency using the received high-precision frequency information...***

performing a positioning arithmetic operation using the high precision time information in place of time information sent from said GPS satellite.”

Durboraw relates a method for detecting spread spectrum signals (i.e., GPS signals) using a signal from a secondary source (i.e. Iridium satellite system).<sup>1</sup> Durboraw describes that the spread spectrum receiver uses the timing reference and the frequency reference observed by the secondary-system receiver to detect the spread spectrum signal.<sup>2</sup>

As admitted in the outstanding Official Action, however, Durboraw fails to teach or suggest ***measuring an oscillation frequency of a reference oscillator used in a GPS receiver section or a frequency variation of the oscillation frequency using the received high-precision frequency information***, as recited in independent Claim 1.

The Official Action states that “it would have been obvious to one of ordinary skill in the art at the time the invention was made that the step, as taught by Durboraw, III et al. would impliedly include measuring the frequency variation of local oscillation frequency using the acquired precision frequency reference and use the result to generate a highly-precise synthesized reference signal which is used for GPS signal detection.”<sup>3</sup> The Official Action cites col. 6, lines 35-42 of Durboraw, which describes that the spread spectrum signal is detected using determined frequency and timing references, and the frequency reference is used to “generate a highly-precise synthesized reference signal which is used for GPS signal

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<sup>1</sup> Durboraw, col. 3, lines 7-15.

<sup>2</sup> Id., col. 5, lines 62-65.

<sup>3</sup> Outstanding Official Action, p. 4

detection.” The timing reference is then used to align the synthesized reference signal with the timing of the received spread spectrum signal.

Durboraw, however, fails to suggest that the *variation of the reference oscillator is measured* or that *variation in the reference oscillator is detected*, based on the received frequency information. Instead, Durboraw simply describes creating and aligning the synthesized reference signal using the frequency reference and the timing reference, which are steps that can be performed without measuring the variation in the reference oscillator or detecting a variation in the reference oscillator. In Durboraw, a local oscillator may simply be set at the frequency of the synthesized reference signal without any measurement or detection of a reference oscillator whatsoever. Further, p. 11-12, for example, of the present specification describes that the measurement/detection of the frequency of the reference oscillator is desirable because of fluctuations caused by “temperature variations or secular change.” Durboraw fails to describe that this is a concern in his system, and therefore does not describe why it would be obvious in his system to *measure an oscillation frequency of a reference oscillator used in a GPS receiver section or a frequency variation of the oscillation frequency using the received high-precision frequency information*, as recited in independent Claim 1.

The Examiner may assert inherency of facts outside of the record which are capable of instant and unquestionable demonstration as being “well-known” in the art. In re Ahlert, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). In light of the above discussion, Durboraw fails to support the assertion set forth in the Official Action that the above noted feature is “well known.”

As discussed above, Durboraw fails to teach or suggest “measuring an oscillation frequency of a reference oscillator used in a GPS receiver section or a frequency variation of the oscillation frequency using the received high-precision frequency information,” as recited

in Claim 1. Likewise Krasner I and Krasner II, neither alone, or in combination cure this deficiency, and therefore, none of the cited references, either alone or in combination, teach or suggest Applicant's Claims 1, 3-8, and 10-15 which include the above-distinguished recitations by virtue of independent recitation or dependency. Therefore, the Official Action does not provide a *prima facie* case of obviousness with regard to any of these claims.

Accordingly, Applicant respectfully requests that the rejection of Claims 1, 3-8, and 10-15 under 35 U.S.C. § 103(a) be withdrawn.

As Applicants have not substantively amended the claims in response to any rejection of record, should a further rejection be applied in the next Action based upon newly cited prior art, Applicants submit that such an action **cannot properly be considered a Final Office Action**.

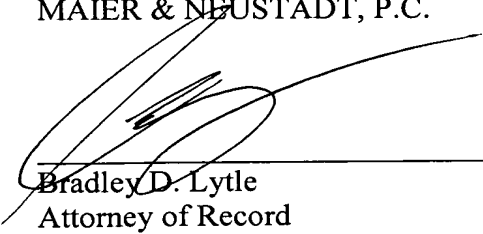
Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 3-8 and 10-15 are patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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